GOVERNMENT OF INDIA
COAL
LOK SABHA

UNSTARRED QUESTION NO:3664
ANSWERED ON:19.08.2003
DISMISSAL ON ALLEGED UNAUTHORIZED ABSENCE
BASUDEB ACHARIA

Will the Minister of COAL be pleased to state:

(a) the number of cases of dismissal on alleged unauthorized absence during the last ten years in Bharat Coking Coal Limited, year-wise and area-wise;

(b) the percentage of Schedule Caste and Schedule Tribe and loaders in that;

(c) whether their percentage are high compared to others;

(d) if so, the reason therefor;

(e) whether it is a fact that Supreme Court has held in one of its Judgments that dismissalis disproportioning harsh punishment on the unauthorized absence; and

(f) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COAL (SHRI PRAHLAD SINGH PATEL) :

(a) and (b) As reported by Coal India Limited (CfL), the number of cases of dismissal inBharat Coking Coal Limited (BCCL) for unauthorized absence during the last ten years and percentage of SC & ST and Loaders therein are given below :

Year	Dismissal	Percentage of Loader	Percentage SC	Percentage ST
1	2	3	4	5
1993-94	607	59.3	50.8	20.5
1994-95	465	59.1	49.0	18.0
1995-96	328	42.3	45.0	16.0
1996-97	736	69.7	57.0	19.0
1997-98	488	65.7	49.0	17.0

1998-99 419 67.8 46.5 17.5

1999-00 401 67.8 44.5 15.3

2000-01 270 75.1

2Q01-02 199 72.3

2002-03 329 83.6

Percentage not available.

(c) and (d) Yes, Sir. It is high because the percentage of SC/ST in Loader category in itseif is high.

(e) and (f) In a Judgement in a related issue in Civil Appeal No. 2982 of 1989 between Unionof India & others-Vs-Giriraj Sharma reported in AIR 1994 the Hon`blÂ© Supreme Court held asfollows ; `The incumbent while admitting the fact that he had overstayed the period of leave had explained the circumstances in which it was inevitable for him to continue on leave as he was forced to do so on account of unexpected circumstances, we are of the opinion that the punishment of dismissal for over staying the period of 12 days in the said circumstances which have not been controversed in the counter is harsh since the circumstances show that it was not his intention to willfully flout the order, but the circumstances forced him to do so. In that view of the matter the Learned Counsel for the respondent has fairly conceded that it was open to the authorities to visit him with a minor penalty if they so desired, but a major penalty of dismissal from service was not called for.` In BCCL workmen who are charged for habitual absenteeism/long unauthorized the absenteeism are terminated only after proper enquiry and provision of the standing orders and past services/attendance/records are Â¦ also being looked into before any decision is taken. Due weightage is given is given to the above judgement of Supreme Court in deciding such cases.